

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRADLEY J. COZINE,

Plaintiff,

v.

No. 11-cv-0932 JB/SMV

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff is ordered to show cause why his case should not be dismissed for failure to comply with the Order Setting Briefing Schedule (“Briefing Schedule”) [Doc. 15]. Plaintiff’s response to this Order to Show Cause is due no later than March 19, 2012.

Plaintiff filed his “Notice of Appeal” in state court on September 11, 2010. [Doc. 2-1]. On Plaintiff’s request, the state court scheduled a hearing for September 23, 2011. [Doc. 2-2]. Defendant apparently had never been served with the initial pleading but did receive notice of the hearing. [Doc. 2-3] at 3. Defendant removed the case to this Court on October 19, 2011. [Doc. 1]. Defendant then filed his Answer on December 2, 2011. [Doc. 10]. The Honorable Carmen E. Garza, United States Magistrate Judge, issued a Briefing Schedule on December 7, 2011. [Doc. 15]. The Briefing Schedule required Plaintiff to file a Motion to Reverse or Remand Administrative Agency Decision (“MRR”) with Supporting Memorandum on or before Monday, February 6, 2012. *Id.* Plaintiff, however, has filed no MRR and has requested no extension of time to do so.

Accordingly, the Court **FINDS** that Plaintiff has failed to comply with the Briefing Schedule. In light of the applicable law and the Court's inherent power to regulate and properly manage its docket, promote judicial efficiency, and deter frivolous filings, *see Martinez v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984), the Court orders Plaintiff to show cause no later than March 19, 2012, why this action should not be dismissed without prejudice pursuant to FED. R. CIV. P. 41(b) for failure to comply with the Briefing Schedule.

IT IS THEREFORE ORDERED that Plaintiff shall show cause no later than March 19, 2012, why this action should not be dismissed without prejudice.

IT IS FURTHER ORDERED that the Clerk shall forward to Plaintiff a copy of the Guide for Pro Se Litigants and the Local Rules of Civil Procedure, along with a copy of this Order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge